



# Wyoming Department of Agriculture

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October 19, 2004

Brian Kelly  
U.S. Fish and Wildlife Service  
Wyoming Field Office  
4000 Airport Parkway  
Cheyenne, WY 82001

Dear Mr. Kelly:

Below are comments from the Wyoming Department of Agriculture (WDA) on the proposed rule by the U.S. Fish and Wildlife Service (Service) to designate critical habitat for the Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*).

The WDA supports the agriculture industry and its producers and encourages these producers to use sustainable methods of production to conserve their land and water. The designation of the Colorado butterfly plant (*Gaura*) under the Endangered Species Act (65 FR 62302) will have significant impacts on the methods used by agriculture producers in Laramie County, Wyoming.

The WDA recognizes the specific habitat needs of the *Gaura*, which can be commonly found on private agricultural lands in Laramie County. The recent availability and distribution of Draft Economic Analysis of Critical Habitat Designation for *Gaura* by Industrial Economics, Inc. reveals many significant economic concerns for agricultural producers in critical *Gaura* habitat despite only a small percentage of land being utilized or affected. The estimated annual costs of the program imposed upon any Laramie County agriculture producer could adversely affect their yearly profit, especially since many are still recovering from a sixth year of drought. In fact, these costs could jeopardize their ability to survive as agriculture producers. We feel there are alternative methods a producer can use to remain economically viable while still voluntarily participating in the *Gaura* conservation program.

The proposed cost share program between Partners for Fish and Wildlife (PFW) and ranchers suggests fencing be installed around core subpopulations. The Service then recommends light grazing in core subpopulations before May. It is known the *Gaura* plant thrives in disturbed conditions, often caused by livestock grazing. Therefore, the proposed fences will have to be installed with gates to allow for rotational grazing systems to ensure adequate disturbance for continued plant growth. The fences inflict 50% of the cost share program upon ranchers.

Ranchers will also incur a substantial loss by the delay of haying and herbicide application. The WDA acknowledges the importance of timing and method of application of herbicides. There are

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two specific noxious weeds; leafy spurge (*Euphorbia esula*) and Canada thistle (*Cirsium arvense*) which must be controlled in pasture and on hay ground. The most effective application period for these weeds is in the fall. We recommend herbicide application in Gaura habitat, and for cooperative ranchers to apply the herbicide during the fall, regardless of their application method, aerial or spot.

The change of haying schedules may concern many producers. The suggested delay in haying will create a need for added concentrates for feeding cattle to compensate for the decreased protein, total digestible nutrients (TDN), and yield. If producers are selling hay, this will cause a decrease in price per ton.

The Gaura plant has been located and identified on private ranch land and thrive under current grazing management. We are disturbed to think the Service believes their management of the plant will be superior. Altering the management of the ecosystem by fencing, timing, and reducing grazing pressure will no doubt change the current working environment for the plant. This change in plant regime may very well jeopardize the existence of the plant.

Private landowner participation is critical to ensure survival of the plant. We suggest a complete overhaul of the conservation agreement system to allow participation by Laramie County ranchers. Moreover, the private landowner will need some level of incentive to not only offset the serious economic disadvantage of having a plant located on their property, but to provide some level of encouragement to justify the recognition of the plant in general.

In conclusion, we appreciate the opportunity to comment on the proposed designation of critical habitat for the Colorado butterfly plant. We encourage continued attention to our concerns, and we look forward to hearing about proposed actions and decisions.

Sincerely,



John Etchepare  
Director

JE/jw

Cc: Governor's Planning Office  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Rocky Mountain Farmers Union  
Wyoming Association of Conservation Districts  
Wyoming Farm Bureau Federation